IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.6561 of 2008
NAUSHAD AHMAD
Versus
THE STATE OF BIHAR
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2 4.7.2008 Heard the counsel for the petitioner.

The petitioner Naushad Ahmad has filed an application for release of a Maruti Swift car bearing Registration No. WB 02V-5324.

The facts of this case are that one Tahir Khurshid was kidnapped while he was travelling in the said car. After that the police intercepted the car and rescued Tahir Khurshid. The car was seized and detained by the police.

Athar Khurshid brother of Tahir Khurshid filed an application for release of the car. The learned Chief Judicial Magistrate after hearing the matter refused to release the car. However, the application remained pending before the Chief Judicial Magistrate. Thereafter Naushad Ahmad holding power of attorney on behalf of Athar Khurshid and Tahir Khurshid filed an application for release of the car. The application was rejected on the basis of the fact that the police report indicates that as per the statement of Tahir Khurshid the car belongs to him. The petitioner went in revision and the learned District and Sessions Judge rejected the application on the ground that the signature of Tahir Khurshid does not tally with the signature of Tahir Khurshid on his confessional statement, and signature of Athar Khurshid does not tally with the signature of Athar Khurshid on the Vakalatnama and the statement created doubt regarding the fact whether

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the power of attorney has been genuinely executed.

I see no difficulty or legal bar in releasing the car to the owner subject to the usual conditions. It does not mean to say that the Court shall release the vehicle without verification of the registration. For this purpose the Court below may ask the persons concerned to bring proper documents from the office of the District Transport Officer, Kolkata before the car is released. The Court may also satisfy itself that the person to whom the car is released is a genuine person.

This application is disposed of with the aforesaid observations.

Learned counsel for the petitioner is permitted deposit cost of FAX to communicate this order to the concerned Court.

Sanjay **(Sheema Ali Khan, J.)**

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